

REMARKS

Reconsideration of this application is respectfully requested. Dependent claims 2 to 9 have been amended to overcome the indefiniteness rejection by substituting the term “tube” for “circuit” in the preamble in each of these claims.

The new claims are supported by the specification, such as indicated as follows: a tapered outside diameter of the blood tube and a constant wall thickness for the tube is disclosed in paragraph 0016 and is recited in claims 15 to 18; a smooth inside surface is disclosed in paragraph 0016 and recited in claim 11; ends connectable to an external connector and disclosed in paragraph 0012 and recited in claims 12 and 24, a single lumen blood tube shown in the figures and as recited in claims 18 and 23; a second end as large as the first end are described in para. 0012 and recited in claim 1, original claims 3 and 19, and a smooth transition is disclosed in paragraph 0016 and recited in claim 11.

The rejection of claims 1-4 and 7-9 as being anticipated by Berend (U.S. Patent No. 3,882,862) has been traversed in part and overcome by amendment in part. In particular, independent claim 1 has been amended to require that at least one-half of the length of the claimed blood tube has a narrow inner diameter which is substantially smaller than the diameter at least one end of the tube and to require a second tube end that is large. Berend does not show a tube with two large ends. A blood tube that is narrower for at least one-half of its length is not shown in Berend. Rather, Berend teaches a blood tube having a substantially large inside diameter through most of its length. The only narrow section of the blood tube is in a transition section at its ends.

Berend discloses a “venturi tube 10” that serves as a transition between a connector (cuff 16) and the tubing 12. Berend, column 2, lines 14 to 25.

To make the distinction between Berend more clear, claim 1 has been amended to require the portion of the blood tube having a small inside diameter to be at least one-half the length of the entire blood tube. Berend does not disclose or suggest a blood tube having a small inside diameter for more than one-half of its length. Accordingly, Berend does not anticipate amended claim 1.

The rejection of dependent claims 5 and 6 as being obvious over Berend is traversed for the reasons stated above in claim 1. Further, claims 5 and 6 relate to a section of the blood tube having an enlarged inside diameter 2, for example, be inserted into a blood pump. There is no teaching or suggestion in Berend for a section of the blood tube having an enlarged third inside diameter. Further, there is no teaching or suggestion in Berend to have more than one-half of the tube with a narrowed inside diameter so as to reduce the volume of blood in the entire blood tube. Accordingly, Berend does not render obvious the claimed invention.

The rejections have been overcome by amendment and are not well grounded in fact. Accordingly, all rejections should be withdrawn in this application and be allowed.

Steven Bernard et al
Appl. No. 10/760,476
April 20, 2006

All claims are in good condition for allowance. If any small matter remains outstanding, the Examiner is requested to telephone applicants' attorney. Prompt reconsideration and allowance of this application is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Jeffry Nelson/

Jeffry H. Nelson
Reg. No. 30,481

JHN:glf
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100